



U.S. Department of Justice

Antitrust Division

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September 17, 2018

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS); *NYPL, et al., v. JPMorgan Chase & Co., et al.*, 15-cv-9300 (LGS)

Dear Judge Schofield:

Pursuant to the Court's June 13, 2018 Order (13-cv-7789, Dkt. No. 317), the United States Department of Justice, through the Antitrust Division and the Fraud Section of the Criminal Division ("the Department"), respectfully requests a three-month extension of the limited discovery stay of certain depositions and interviews in the above-referenced matters. The Department submits that the stay is necessary given the upcoming trials, both scheduled and anticipated, in several FX-related cases:

- Trial in *United States v. Usher, et al.*, 17-cr-19, is scheduled to begin on October 9, 2018, before Judge Berman in this Court.
- *United States v. Bogucki*, 18-cr-21, is set for trial before Judge Breyer of the Northern District of California on February 4, 2019.
- *United States v. Aiyer*, 18-cr-333, is scheduled for a status conference before Judge Koeltl in this Court on October 17, 2018. The Department expects that the remainder of the calendar, including the trial date, will be set at or shortly after the status conference.
- In the case of *United States v. Stuart Scott*, 16-cr-457, pending in the Eastern District of New York, the U.K. Crown Prosecution Service, acting on behalf of the United States, has begun the process of appealing an order of the U.K. High Court of Justice, which effectively denied the United States' request for extradition.¹

¹ As of this writing, the Department does not know whether the Supreme Court of the United Kingdom will accept this appeal, or when the extradition process will conclude.

As before, the Department would continue to consider one-off requests for depositions of individuals who are covered by the terms of the stay. The Department has approved such requests by the *In re Foreign Exchange* and the *NYPL* Plaintiffs in the past.

The Department submits that the scope of the stay appropriately balances the need to protect the integrity of ongoing cases with Plaintiffs' desire for testimonial discovery at this juncture of the civil cases.

Plaintiffs in the *In re Foreign Exchange* case (13-cv-7789) consent to the Department's request, as do all Defendants except Credit Suisse, which takes no position. Plaintiffs in the *NYPL* matter (15-cv-9300) oppose the Department's request.

Respectfully submitted,

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cc: All counsel (via ECF)